

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO 3728 OF 2003
IN
SUIT NO. 3987 OF 2003

Kondiram Ganu Salvi ..Plaintiff
V/s
Maharashtra Housing & Area
Development Authority
and others ..defendants.

None for the plaintiff

Mr. S.B. Pawar for defendant No.2.
Mr. Shuas Patil for defendant No.4

CORAM : ANOOP V.MOHTA J.

DATE : 7TH OCTOBERE, 2005.

P.C.

. The learned Counsel appearing for the defendants 2 and 4 have placed on the record the order dated 28th April, 2005, passed in the notice of motion No. 1763/2004, in a Suit No. 3987 of 2003, whereby the said notice of motion was disposed of in terms of prayer clause (b). The prayer clause (b) is reproduced as under;

"That the Hon'ble Court reject the plaint, under Order 7 Rule 11, of Code of Civil Procedure 1908, as the suit is barred by section 177 of Maharashtra Housing and Area Development Act, 1976."

In the result, the suit itself was disposed of by the said order dated 28th April, 2005, as referred above.

2. The present notice of motion has been taken out by the plaintiff in the same suit i.e. 3907/2003. Considering the above, this notice of motion is therefore, also disposed of with liberty.

[ANOOPI V. MOHTA, J.]